
By: **Senator Pinsky**
Introduced and read first time: February 4, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - State Board of Dental Examiners - Issuance of Permits**

3 FOR the purpose of altering the authority of the State Board of Dental Examiners to
4 adopt regulations governing the administration of a certain type of sedation;
5 prohibiting the Board from issuing a permit to certain facilities under certain
6 circumstances; prohibiting the Board from issuing a permit to certain dentists
7 under certain circumstances; and generally relating to the issuance of permits
8 by the State Board of Dental Examiners.

9 BY repealing and reenacting, with amendments,
10 Article - Health Occupations
11 Section 4-205
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Health Occupations**

17 4-205.

18 (a) In addition to the powers set forth elsewhere in this title, the Board may:

19 (1) Adopt regulations governing:

20 (i) The administration of general anesthesia by a licensed dentist;

21 (ii) The administration of [parenteral] CONSCIOUS sedation by a
22 licensed dentist;

23 (iii) The use of a dental assistant by a licensed dentist in performing
24 intraoral procedures;

25 (iv) [The] SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF
26 THIS SECTION, THE issuance of a permit to a facility not otherwise regulated where a

1 dentist administers or has general anesthesia or [parenteral] CONSCIOUS sedation
2 administered;

3 (v) [The] SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF
4 THIS SECTION, THE issuance of a permit to a dentist who administers or has general
5 anesthesia or [parenteral] CONSCIOUS sedation administered;

6 (vi) Reasonable requirements for the training and evaluation of a
7 dentist before the dentist may administer general anesthesia or [parenteral]
8 CONSCIOUS sedation OTHER THAN NITROUS OXIDE ADMINISTERED ALONE AND NOT
9 IN CONJUNCTION WITH ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN
10 OR MEDICATION USED FOR THE DIMINUTION OR ELIMINATION OF ANXIETY;

11 (vii) The discipline of a holder of any facility or administration
12 permit for the administration of general anesthesia or [parenteral] CONSCIOUS
13 sedation; and

14 (viii) The release of patient dental records;

15 (2) After consulting with the State Board of Pharmacy, adopt regulations
16 regarding the dispensing of prescription drugs by a licensed dentist;

17 (3) On receipt of a written and signed complaint, investigate an alleged
18 violation of this title;

19 (4) After consulting with the Maryland Dental Hygienists' Association,
20 adopt regulations establishing continuing education requirements for licensed dental
21 hygienists;

22 (5) Adopt regulations establishing continuing education requirements
23 for licensed dentists;

24 (6) On receipt of a written and signed complaint, including a referral
25 from the Commissioner of Labor and Industry, conduct an unannounced inspection of
26 the office of a dentist, other than an office of a dentist in a hospital, related
27 institution, freestanding medical facility, or a freestanding birthing center, to
28 determine compliance at that office with the Centers for Disease Control's guidelines
29 on universal precautions; and

30 (7) Establish committees from among its members to facilitate and
31 assist the Board in discharging its duties and responsibilities under this title by
32 evaluating, reviewing, and making recommendation to the Board on matters referred
33 to the committees by the Board. The committees established shall include, but may
34 not be limited to:

35 (i) A nominations committee;

36 (ii) A regulations committee;

1 (iii) A committee on dental hygiene composed of 3 dental hygienists,
2 1 dentist, and 1 consumer to which the Board shall refer all matters within the
3 Board's jurisdiction under this title relating to or affecting the practice of dental
4 hygiene for the committee's evaluation, review, and recommendation;

5 (iv) A disciplinary committee; and

6 (v) Such other committees as the Board considers appropriate.

7 (B) THE BOARD MAY NOT ISSUE A PERMIT TO A FACILITY NOT OTHERWISE
8 REGULATED WHERE A DENTIST:

9 (1) ADMINISTERS NITROUS OXIDE THAT IS NOT ADMINISTERED IN
10 CONJUNCTION WITH:

11 (I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR

12 (II) MEDICATION USED FOR THE DIMINUTION OR ELIMINATION OF
13 ANXIETY; OR

14 (2) PRESCRIBES MEDICATION TO A PATIENT WITHIN THE MAXIMUM
15 RECOMMENDED DOSAGE FOR THAT PATIENT FOR THE SOLE PURPOSE OF
16 DIMINISHING OR ELIMINATING ANXIETY THAT IS NOT PRESCRIBED IN
17 CONJUNCTION WITH:

18 (I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR

19 (II) THE ADMINISTRATION OF NITROUS OXIDE.

20 (C) THE BOARD MAY NOT ISSUE A PERMIT TO A DENTIST WHO:

21 (1) ADMINISTERS NITROUS OXIDE THAT IS NOT ADMINISTERED IN
22 CONJUNCTION WITH:

23 (I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR

24 (II) MEDICATION USED FOR THE DIMINUTION OR ELIMINATION OF
25 ANXIETY; OR

26 (2) PRESCRIBES MEDICATION TO A PATIENT WITHIN THE MAXIMUM
27 RECOMMENDED DOSAGE FOR THAT PATIENT FOR THE SOLE PURPOSE OF
28 DIMINISHING OR ELIMINATING ANXIETY THAT IS NOT PRESCRIBED IN
29 CONJUNCTION WITH:

30 (I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR

31 (II) THE ADMINISTRATION OF NITROUS OXIDE.

32 [(b)] (D) In addition to the duties set forth elsewhere in this title, the Board
33 shall:

- 1 (1) Keep a record of each license and each action taken under § 4-315 of
2 this title;
- 3 (2) Have an official seal; and
- 4 (3) Adopt rules, regulations, and bylaws as may be necessary to carry out
5 the provisions of this title.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2004.